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NO. 1073 P. 1/3

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CERTIFICATE OF FACSIMILE

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Application No. 10/632,288 is being facsimile
transmitted to Technology Center 3727,
via Central Fax Number (703) 872-9306, on
May 17, 2005.


M. Karen Burgoyne

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/632,288
Filed: August 1, 2003
Group Art Unit: 3727
Examiner: Lien M Ngo
Applicant: Richard Leoncavallo and John D. DeLorme
Title: DRINKING CONTAINER WITH MULTILAYER LEAK-PROOF
CLOSURE
Attorney Docket: NAC-123US
Confirmation No.: 5074

Cincinnati, Ohio 45202

May 17, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO RESTRICTION REQUIREMENT

This Reply responds to the restriction requirement mailed April 20, 2005.

The following remarks are respectfully submitted.

Claims 1-31 remain pending in the application and are subject to a
restriction requirement. In response, Applicants provisionally elect Group I, indicated by
the Examiner to be drawn to the container of claims 1-18, with traverse.

Reconsideration of the restriction requirement is respectfully requested in view of the
following remarks.

Traverse of Restriction Requirement

Applicants respectfully traverse the restriction requirement because examination of the pending claims does not present a serious burden on the Examiner.

For a restriction requirement to be proper, two criteria must be met:

- A. The inventions must be independent or distinct as claimed; and
- B. There must be a serious burden on the Examiner if restriction is not required.

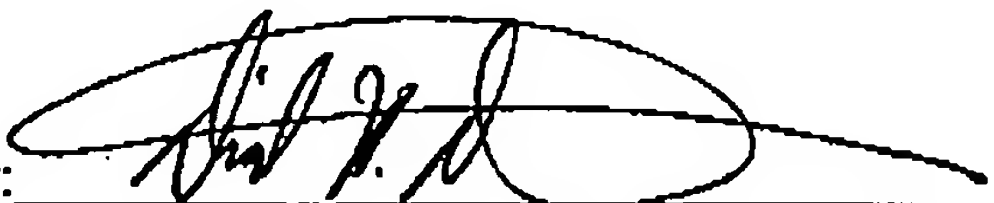
"If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." (See MPEP §803.) Applicants submit that examination of all pending claims in this application can be made without serious burden to the Examiner. For example, Applicants note that closure recited in claims 1-18 includes the same features or combinations of features recited in claims 19-29. Accordingly, the Examiner must at least search in the same classes and subclasses to properly examine claims 1-18 as would be required to examine claims 19-29. For at least these reasons, Applicants submit that searching all claims pending in the application would not present a serious burden to the Examiner and Applicants respectfully request that the restriction requirement be withdrawn.

In view of the foregoing remarks given herein, Applicants respectfully reconsideration of the restriction requirement. If there is any matter that may be resolved by telephone or facsimile, the Examiner is respectfully asked to contact the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this Response. If any petition is due, or if any additional fee is necessary to complete this communication, please consider this a request for such and charge any additional fees or apply any credits to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: 

David W. Dorton, Reg. No. 51,625

DWD:khh
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)